



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P (MD) No.12946 of 2020

WEB COPY

1.Russel Raj
2.Christu Raj

: Petitioners/Accused Nos.3 & 4

Vs.

1.State represented by,
The Inspector of Police,
District Crime Branch,
Kanyakumari District.

: 1st Respondent/Complainant

2.V.Stephen

: 2nd Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, to call the records relating to the FIR in Crime No.23 of 2019 dated 02.10.2019 on the file of the District Crime Branch, Kanyakumari District and quash the same in so far as the petitioners are concerned.

For Petitioners : Mr.K.Vadivelu

For 1st Respondent : Ms.Veronica Vincent,
Government Advocate (Criminal Side)

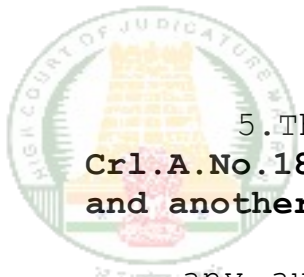
O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No. 23 of 2019 on the file of the first respondent in so far as the petitioners are concerned.

2.According to the petitioner, the defacto complainant filed a complaint before the learned Special Land Grabbing Court, Tirunelveli in Crl.M.P.(MD)No.635 of 2019. The Court issued a direction on 16.08.2019 to the respondent police that if any cognizable offence is made out to register the First Information Report. Based on that direction, the respondent police registered the case in Crime No.23 of 2019, dated 02.10.2019.

3.The learned Additional Public Prosecutor appearing for the respondents police would submit that investigation is completed and the charge sheet is yet to be filed.

4.Heard the learned counsel on either side.



5.The Hon'ble Supreme Court by judgment dated 02.12.2019 in **Crl.A.No.1817 of 2019 in the case of M.Jayanthi vs. K.R.Meenakshi and another** has held as follows:-

''9.It is too late in the day to seek reference to any authority for the proposition that while invoking the power under Section 482 Cr.P.C for quashing a complaint or a charge, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. The Court may also be entitled to see (i) whether the preconditions requisite for taking cognizance have been complied with or not; and (ii) whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged.''

6.In view of the same, this Court is not inclined to quash the FIR. Accordingly, this Criminal Original Petition is dismissed. However, since the FIR has been registered in the year 2019, the first respondent police is directed to file the final report as expeditiously as possible.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

das

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

1.The Inspector of Police,
District Crime Branch,
Kanyakumari District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.VADIVELU, Advocate (SR-22159[F] dated 19/11/2020)

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KG(CO)

AP(27/11/2020) 2P 4C

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